

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

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**SECOND LEGISLATIVE DAY  
TUESDAY, JANUARY 7, 2003**

Senate Chamber

President Risch called the Senate to order at 6 p.m.

Roll call showed all members present except Senator Lodge, absent and formally excused by the Chair; and Senators Burkett and Sweet, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journals of the proceedings of the Organizational Session of December 5, 2002, and the proceedings of January 6, 2003, were read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

Senator Burkett was recorded present at this order of business.

January 7, 2003

Mr. President:

I transmit herewith **HCR 2** which has passed the House.

JUKER, Chief Clerk

**HCR 2** was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

**HCR 2**, by Denney and Jaquet, was introduced and read the first time at length.

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate consideration of **HCR 2** be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES-Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS-None.

Absent and Excused-Lodge, Sweet. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that **HCR 2** was before the Senate for final consideration.

On motion by Senator Davis, seconded by Senator Stennett, **HCR 2** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

#### JOINT SESSION

Pursuant to **HCR 2**, the hour of 7 p.m. having arrived, the members of the Senate entered into the House Chamber and met in Joint Session with Speaker Newcomb presiding.

Roll call of the House showed all members present except Representative Sayler, absent and excused.

Roll call of the Senate showed all members present except Senator Lodge, absent and formally excused by the Chair.

On request by Representative Denney, granted by unanimous consent, the Speaker appointed three committees to wait upon the Supreme Court Justices and Appellate Court Judges, the elected officials, and the Governor and escort them to the House Chamber.

The Speaker appointed Senators Darrington and Burkett and Representatives Field and Boe as the committee to wait upon and escort the Supreme Court Justices and Appellate Court Judges to the House Chamber.

The Speaker excused the committee.

The Speaker appointed Senators Keough and Burtenshaw and Representatives Leon Smith and Cuddy as the committee to wait upon and escort the elected officials to the House Chamber.

The Speaker excused the committee.

The Speaker appointed Senators Davis and Stennett and Representatives Denney and Jaquet as the committee to wait upon and escort the Governor to the House Chamber.

The Speaker excused the committee.

The committees appointed by the Speaker returned and escorted the Supreme Court Justices, Appellate Court Judges, the elected officials, and the Governor into the House Chamber where they were presented to the Joint Session by the Speaker.

The Speaker introduced His Excellency, the Governor of the State of Idaho, Dirk Kempthorne, and the following **State of the State** Address was delivered by the Governor:

Mr. Speaker. Mr. President. Distinguished members of the Legislature. Distinguished members of the Judiciary. Fellow Constitutional Officers. Fellow citizens of Idaho.

As we gather this evening, we are coping with the effects of a national recession, our troops are deployed and the potential for war is real, and Idaho, like every other state, is facing financial crisis.

And yet, I affirm - without any hesitation - that because you, my fellow citizens, the state of our state is strong.

I spent much of the past year traveling around our great state. I have been in every county and visited virtually every community. I saw the determination and spirit of Idahoans and I was inspired by these hard working men and women who are the backbone of our state.

There is a great sense of optimism that Idaho's future is bright. And it is their trust in each of us that has brought you and me here tonight. Our citizens believe in us and they believe in the record we've established and the direction of the past four years.

I am committed to healthy, well-educated children. We've worked hard over the past four years to keep our communities safe from crime and drugs. We're protecting our environment and our clean air and water. And we've worked to create jobs in our communities and an economic climate where we can sell our goods and services to the world.

The greatest legacy a society can leave is one where its children have a bright future. I declared this the "Generation of the Child" four years ago because of my commitment to children. You have supported me and my wife, Patricia, as we've worked to promote the education and well-being of Idaho families.

Through the Governor's Coordinating Council for Families and Children, we have been effective in combining the best efforts of both the public and private sectors and making better use of our limited resources.

And we're recognizing many of the unsung heroes in our communities who daily make a difference in the lives of children. We call these everyday heroes "Idaho's Brightest Stars." With the help of the Association of Idaho Cities, each year, a business, an individual, and an organization are awarded \$5,000 from private donors in recognition of their work on behalf of Idaho's youth.

The 2002 Brightest Stars are Bob & Shirley Craig in Shoshone; Meridian City Councilwoman, Tammy de Weerd; and a wonderful organization called "Kinderhaven" in Sandpoint. Whether it's mentoring youth, providing support for youth activities, or caring for abused and neglected children, these "Brightest Stars" truly understand that healthy children equal healthy families which equal healthy communities and a healthy state.

And to make sure that our state meets the future needs of our citizens, last fall, I enlisted a number of talented Idahoans to review state government from top to bottom. I asked this Blue Ribbon Task Force to look short-term and long-term and to make a candid assessment.

I also asked them to dedicate the first two months to making an initial review that might be useful in this current legislative session. They submitted their findings in December and their report is very insightful.

In 60 days, this bipartisan group of volunteers from every part of the state did a tremendous job. I'd like to thank them and recognize the two co-chairs who have provided the leadership for their efforts: our former State Controller, J.D. Williams, and a very respected Idaho entrepreneur, Chuck Winder.

As the Blue Ribbon Task Force, which met earlier today, continues its work in the coming year, they will be a great resource. You'll see that they have affirmed some of the tough decisions we've already made and given us some very thoughtful ideas to consider. You will see some of those in my legislative proposals.

Over the next few years, we will continue to implement measures to improve the efficiency and effectiveness of state government.

In the area of public-private partnerships, an important partner in education is the J.A. and Kathryn Albertson Foundation.

We are all aware of the many contributions to education made by this great Idaho family.

Like our health districts four years ago, today, our school districts cannot share basic student information among themselves, nor are they able to communicate statistical data with the State Board of Education and the State Department of Education. We need to correct this.

Tonight, I am proud to announce a major milestone in Idaho education.

The Albertson Foundation is offering an investment of \$35 million to help the state connect our school districts.

Idaho will use this money to develop and implement an Idaho information system to provide instantaneous data on student achievement. This will be a tremendous tool for students, parents, teachers and school administrators. As we discuss assessment and accountability, it is more important than ever to ensure that our assessments are used to improve instruction.

It is one thing to measure what's been learned, and another to learn from what's been measured. Thanks to this significant partnership with the Albertson Foundation, Idaho will be among the first states to implement such a system. I enthusiastically embrace this offer on behalf of the state and look forward to signing legislation that affirms your support of this partnership.

I would add that this education network is enhanced because of the high-speed Internet access in place...thanks to the broadband investment tax credit we enacted in 2001.

These are just a few of the many success stories that guarantee a bright future. But there is another reality that Idaho and every other state is facing.

Almost two years ago, the longest economic expansion in our nation's history came to an end. The American people were shocked as terrorists attacked our homeland and the financial markets began to tumble. The economy was further jolted with the news of corporate scandal.

Economic boom and budget surplus were replaced with the worst stock market since the Great Depression and the worst budget crisis among the states since World War II. This state and every other state have been dealt a tough hand.

And so, this evening, we will begin a straightforward discussion with the people of Idaho.

We can look to our neighboring states and see their enormous budget shortfalls and the drastic measures to which they're resorting. We're facing similar challenges here in Idaho. But unlike so many other states that are still trying to find ways to get through the current budget year, we will get through this fiscal year with our budget balanced and without having called a special session.

We acted early and our actions were decisive. When the recession first hit and revenues began to decline, I announced immediate holdbacks that the Legislature later made permanent. We reduced spending, found efficiencies and streamlined government.

For example, we implemented widespread reforms in Medicaid...the first ever. We made changes to contain the soaring costs in our prescription drug program. We improved the quality of our healthcare to Medicaid recipients and reduced costly trips to the emergency room by investing in a program called Healthy Connections.

We reduced the growth of Medicaid from 16% down to just 6%. We consolidated services and eliminated more than 150 positions within the Department of Health and Welfare and in all, we saved taxpayers nearly \$140 million.

But the impacts of the recession went deeper...and so we cut deeper.

We cut most agencies, on average, by 10%. We cut away the fat and cut into the muscle, eliminating nearly \$200 million in state spending. In August, revised revenue estimates painted a bleak picture and so I chose to order an additional holdback of 3.5% percent, from which I exempted public schools and higher education.

These were not popular decisions, especially in an election year. I know you understand and appreciate the fact that I didn't have to make these decisions. I could have waited and let this Legislature deal with an even bigger problem.

But I didn't. I've made the reductions and now, I ask you to make them permanent.

But once those cuts were made, we maintained critical services by tapping a number of one-time monies - including the Permanent Building Fund and the Millennium Fund.

In the past four years, our state population has grown significantly. The number of citizens utilizing the services of government has increased. But since the recession began, just like the private sector, we've reduced our workforce.

While Idaho is still below the national average, unemployment is up 1.3%.

Let me contrast that 1.3% to what we've done in state government.

In state government, our reductions in state employees are nearly 2%. Government has done more with less, thanks largely to the dedication and professionalism of our outstanding state employees.

And when there were still gaps to fill, rather than go to the taxpayers, we cut further and went to our savings accounts.

And while some have criticized these actions, let me tell you what these decisions have done for Idaho: the bond rating agencies on Wall Street - like Standard and Poor's - have reviewed our actions and Idaho has retained the highest possible bond rating.

Please understand the significance of this...only seven states have the highest possible bond rating. Others have been downgraded and 15 have been put on credit watch. That's costing their citizens hundreds of millions of dollars in increased interest payments.

And as Standard and Poor's said, Idaho retained its high bond rating because of the prudent and proactive steps taken by the Executive Branch early in the year to make budget adjustments. They recognize our sound fiscal leadership.

But in Idaho, our bond rating does more than affect state finances. The State's bond rating is used to determine the rating that every city, every county and every school district gets on their bonds. If the state was to lose its rating, local government and schools would lose theirs - costing them millions of dollars.

That has not happened, and I will do everything I can to keep it from happening.

As the state goes, so goes local government.

That's why it's important to recognize that the assortment of one-time money - nearly \$200 million that we have utilized to get through fiscal year '03 - was never intended to be a long-term solution. With one-time money, we've bought ourselves the time and opportunity to develop a plan for the future.

The future is now.

We now have the task of implementing that plan for Fiscal Year 2004 and beyond.

Looking at the number of possibilities to make up that \$200 million shortfall, some say that the first option is to solely make further cuts and slash government services.

This will require cutting all state funding to our seven health districts and eliminating the Catastrophic Health Care fund.

This will require eliminating our county extension offices in all 44 counties.

This will require eliminating all state support to our community colleges and all state funded scholarships and financial aid for our students.

This will require completely eliminating all of our economic development efforts -- eliminating the Department of Commerce, cutting all state funding to the Departments of Agriculture, Labor and all of the Self-Governing Agencies.

This will require completely eliminating all general fund support for our environmental programs and the natural resource agencies...including closing our state parks; jeopardizing our stewardship of state lands; and severely impairing our ability to maintain control of one of Idaho's most precious commodities - our water.

But even with all of this, there would still be a \$100 million shortfall and the reality of slashing ALL remaining agencies, including senior programs, Veterans Services, and Medicaid.

And it will require cutting public schools and higher education by close to \$70 million.

I'm not willing to do that.

This would be devastating to Idaho and none of us were elected to eliminate the core services we provide to our citizens.

Another option would be to rely heavily on pumping more one-time money into the budget, in addition to dramatic across-the-board cuts in programs and services.

This option is also unacceptable to me because it only delays the problem for another year and jeopardizes our state's credit rating.

Let me remind you that with education taking 65% of our budget, their share of our shortfall is \$130 million. With health care driving another 20% of the budget, their share is \$40 million. That's \$170 million cut from health care and education just to make up the one-time money.

I'm not willing to do that.

I will not accept a budget that relies on one-time money.

I will not accept a budget that pushes this problem off for another year.

And I will not accept a budget that cuts education and guts the very services that Idahoans expect and deserve.

We must face the challenges head on and solve the problem this year.

And that solution must fall within these parameters:

We must ensure that our children continue to receive the best education possible.

We must ensure that our colleges and universities continue to prepare a growing number of students to compete in the global marketplace.

We must ensure that we foster conditions throughout Idaho for an economic engine to drive us out of this recession.

We must maintain our commitment to our environment while preserving private property rights and protecting Idaho water.

We must ensure that we keep our communities safe and protect our children from drugs and crime.

And, we must ensure the health and well being of our veterans, senior citizens, the disabled and the most vulnerable.

But to maintain all of these essential and proper functions of government, it will require more difficult decisions.

Remember, we have already cut many departments by more than 10%. Many agencies will again see a base reduction in their budgets this year.

But while we will continue to hold the line on spending and work to find efficiencies, the fact is that Medicaid costs and enrollment continue to rise.

There are needs in our public schools and universities that we must meet.

We're nearing capacity in our prisons and we have a continuing obligation to ensure the safety of our citizens.

We will get through fiscal year '03 by making serious reductions and drawing on nearly \$200 million in one-time money.

Now, we face the great challenge of making up the difference. We stand at a crossroads. We can go forward or we can let this economy turn us back.

I have made my decision. I'm going forward - and I need you with me.

We must meet our obligations to our citizens and solve this problem this year...no one-time money, no postponing the problem, no excuses.

On Thursday, I will recommend a budget that represents one of the toughest decisions of my career.

I have labored with all of the options and have come to the conclusion that in order to maintain...not expand, but maintain...the core services to our citizens, it will require additional revenue to the state.

I have used every option available to keep our budget balanced.

Unfortunately, the national economy has taken its toll on Idaho, as it has throughout the union.

We have come to a point I had hoped Idaho would never reach. While I have consistently said that raising taxes would be my last resort, we are now at that point.

Therefore, to achieve a maintenance budget, I propose two measures to keep our budget balanced.

First is an increase in our cigarette tax of 34 cents per pack that brings us up to the national average of 62 cents. This money will go directly to the general fund.

Second is an increase in the sales tax.

One and a half cents, also directed to the general fund, will get us through this budget crisis and provide the stability we need while the economy continues to recover. My recommendation is to have this measure expire on June 30, 2006.

I do not make these recommendations to you lightly.

I believe in limited government. I believe in lean government. But I also believe in providing for the essential functions of government.

For six years in the United States Senate, I consistently opposed raising taxes. In four years as Governor, I've proudly signed 48 measures that have either reduced taxes or created significant tax incentives.

Before I took office, the average family of four making \$30,000 was paying almost 39% more in taxes to the state than they did this last year. And this year, I am proposing two more measures to provide tax relief to Idahoans.

The first I announced in December: a freeze in the unemployment insurance tax that was scheduled to increase each of the next two years. This measure will keep \$120 million dollars in the hands of Idaho business owners and will have no impact on the state's general fund nor diminish the level of benefits.

Our goal is to keep Idaho workers working and getting paychecks instead of unemployment checks.

The second tax relief measure will provide an increase in the grocery tax credit...for all citizens. This added grocery tax credit will be permanent.

I ask you to support these measures, knowing full well that you now need the time to go through this...to examine all the options...just as I have done.

This is not easy, but there is a stark reality that we must face together.

My record over the past decade clearly establishes my credentials as a proponent of tax cuts and incentives.

But when the alternative is to ignore the needs of our citizens and fail to perform the essential functions of government, I must stand up and say what needs to be said. And do what needs to be done.

Some might think I've overstated the case...but I have not.

On Thursday, you will see more details and again, I fully realize that you need the time to go through this process, as I have...and I believe you'll come to see the same realities.

Clearly, the budget and Idaho's fiscal crisis will occupy much of the debate this legislative session.

But while working through the budget, we must not overlook the other critical issues that will come before this Legislature.

We must continue our efforts to address critical school facility needs just as we've done in Troy, Wendell, Minidoka, Fremont and Wallace school districts. We have made further commitments to assist all school districts and this year we will keep that promise.

With a growing prison population, we need to take a look at one of the Blue Ribbon Task Force recommendations to review our sentencing guidelines and make adjustments where appropriate.

I am aware that there are discussions concerning frivolous lawsuits that adversely impact the business climate and health care costs in Idaho. We must create an environment that allows businesses to continue to invest and thrive in Idaho, and slows the rising costs of health care.

There is now consensus language to correct a technical flaw in the sentencing process in death penalty cases. I strongly support the death penalty and will sign this legislation as quickly as you send it to my desk.

To meet our growing needs at our colleges and universities, we need to move forward with the campus construction projects that you approved two years ago. This year, with low interest rates and an eager construction industry, the conditions are ideal to proceed with these projects, providing an economic stimulus in every part of the state and creating jobs and opportunities for our citizens.

11,000 students are benefiting from the Promise Scholarships and we must restore full funding. And in honor of the late Senator whose vision led to the creation of these scholarships, I propose designating them as the Robert R. Lee Promise Scholarship.

Ladies and gentlemen of the Legislature and fellow Idahoans, this has not been an easy message for me to deliver tonight.

It is far more enjoyable to allocate our resources in good times...but folks, these are tough times that require tough decisions.

Our vision for the future must not be clouded by the fears of what could be, but clarified by the reality of what is, and renewed by the hope of what can be.

Many of the decisions we will make this year will be difficult.

But we should never make any decisions because they're easy...or because they're convenient...or because they're popular...we must make them because they're right.

Any state can make progress in good times. It's the great states that make progress in the tough times.

It is in the darkest hours that the brightest stars shine brighter.

And now is the time for Idaho to shine.

Thank you.

The Speaker thanked Governor Kempthorne for his message.

The committee came forward and escorted the Governor from the House Chamber to the House Gallery.

On motion by Representative Moyle, seconded by Representative Jaquet, by voice vote the Budget Address was ordered spread upon the pages of the Senate and House Journals.

At this time Representative Field arose on a point of personal privilege to introduce Chief Justice Linda Copple Trout who delivered the following **State of the Judiciary Message** to the Joint Session:

Governor Kempthorne, Mr. Speaker, Mr. President, my colleagues on the Supreme Court, judges of the Court of Appeals, constitutional officers, distinguished members of the Senate and House of Representatives of the First Regular Session of the 57th Idaho Legislature, and fellow citizens of Idaho:

Every year as the legislature begins its deliberations, it is my privilege and honor to report to you on the state of the third branch of government. This year, as in the past five, I am pleased to report that the state of the judiciary is excellent not that we aren't suffering like everyone else from fiscal challenges but we have been able, thus far, to continue to provide prompt, fair and well-considered decisions, exciting new court innovations, and service to the citizens of Idaho which rivals that of any other state.

We are accountable to you for our appropriation, but more importantly, we are accountable to you for the steps we have taken in the preceding year to make our court system responsive to the needs of the citizens of Idaho. This is even more critical at times like this when finances are stretched to the limit, and yet, at the same time, citizens demand that their cases be resolved quickly and

efficiently, that criminals face immediate consequences and that courts provide leadership in addressing the larger issues challenging Idaho.

While I could spend my time with you this evening talking about the dramatic impact of the holdbacks on our budget and the serious consequences of further cuts, I choose instead to talk about the highlights of the last year and all that the judges have been able to accomplish. I ask you to consider the progress we've made and to assist us in continuing these significant efforts.

Our system of justice should be measured not simply by how many decisions are issued or sentences handed down, but also by a court's ability to address the underlying problems which bring people to the courts in the first place. As we consider the plight of families and children affected by domestic violence; criminal defendants diagnosed with mental illness; and people, particularly young people, addicted to drugs and alcohol, we are reminded of how great the problems can be and how much work there is to do. Yet, with your appropriations over the last several years and by stretching and combining these resources with federal grants and other funds, we have made great strides in addressing these issues. Our courts in Idaho stand up well to any measure of success.

I have spoken to you in the past about drug courts, and the successes we are seeing. We have drug courts operating in each of Idaho's seven judicial districts, with 30 total and 627 defendants under supervision statewide. These courts are generally the last alternative for criminal defendants who cannot or will not control their abuse of drugs.

Drug use is so much a part of their daily existence, like eating a meal or watching television for us, that they simply cannot survive without the influence of illegal substances. They are defendants who, but for drug courts, would otherwise be housed in county jails and state penitentiary facilities for extended periods of time, at a tremendous financial cost to county and state government. At an estimated cost of \$11.00 per day for drug court, it's not difficult to calculate the savings for those 627 people who are not incarcerated at a cost closer to \$55.00 per day.

I had the pleasure a few weeks ago of visiting Judge Jon Shindurling's drug court in Bingham County. I watched as virtually every one of the 14 drug court participants that day reported having successfully completed the prior week's intensive requirements of treatment sessions, drug testing, work, and AA or NA meetings. They were rewarded with applause, warm congratulations and encouragement from Judge Shindurling, and a candy bar. So inspired was this group by their successes, that they had taken it upon themselves to organize a holiday gathering, and were negotiating with Judge Shindurling about whether they would get to see him in a Santa suit (I think he ultimately settled on just the hat).

One woman approached me after the session to say that she could not have stopped her drug use without drug court. She is a single mother of a 13 year-old, who had previously been on probation for several years and had relapsed over and over. Unable to keep a job for any length of time, she lived anywhere she could when not in jail. Now, she is employed full time, has been clean and sober for a year and a half and should be graduating soon from drug court. By her own admission, she simply could not have done it without drug court intervention.

Successes and testimonials like this are seen in every drug court in Idaho. The Ada County drug court is a good representation of what we are seeing statewide, and the numbers continue to be impressive. To date, of the 155 people who have graduated from the drug court, 89% have committed no further criminal offenses. Many of the drug court participants are parents, and in Ada County alone, nine babies have been born drug-free. At an estimated cost of \$250,000 in first-year-of-life expenses, it's not difficult to calculate what this means to our State, not to mention the benefits for our future from these healthy children.

Courts have changed dramatically over the last 10 years in the way they do their business, and more than just legal solutions are now demanded of the court system. Judges are making great efforts to address the deeper issues driving crime in today's society: family violence, substance abuse and mental illness.

Every year I am so pleased and honored to be able to stand here before you and recount the many accomplishments of the judiciary in Idaho. Every year I have more examples of the new and innovative ways judges have found to address the myriad and seemingly insoluble problems coming before them, and I cannot thank the judges enough for their energy, enthusiasm, compassion and willingness to experiment and innovate. I also appreciate very much the support of Governor Kempthorne and all of you, because without that partnership between our three branches of government, these accomplishments would not be possible.

Last year, I mentioned the drug court presided over by Seventh District Judge Brent Moss in Madison County. While he was seeing some successful graduates from his drug court, he was troubled by a few participants who were repeatedly on the brink of success and graduation, only to crash and fall back into their old habits of drug abuse.

It became apparent that some drug court participants were not succeeding because they had far deeper problems than substance abuse: they were suffering from mental illness and were simply using the drugs to self-medicate in an effort to survive. When the drugs were removed, the mental illness became paramount and uncontrollable. After discussions and investigation, Idaho's first mental health court came into existence on August 15, 2002.

Mental health court is operated very much like a drug court, but the supervision is even more intensive for these criminal defendants diagnosed with severe and persistent mental illness. Participants are monitored daily, some several times a day, to make sure they are taking their medications, and are meeting the other requirements of the court: attending treatment, maintaining a job, locating stable housing, staying off illegal substances. I attended a staffing and court session in December and two of the participants I saw that day had been unsuccessful participants in Judge Moss' drug court. Today, they are both living productive lives and are off illegal drugs.

What an amazing turn around, rather than expensive psychiatric hospitalizations or the penitentiary. Judge Moss, like so many other judges in our state, saw a problem and on his own initiative devoted the extra time and effort, working with others, to find a solution. These are examples of the difference we can make in people's lives through the extra effort of a drug or mental health court. The cost-savings to our communities and the State of Idaho is enormous, and the benefit to the participants and their families is priceless.

I also want to mention the significant efforts ongoing to help families and children and to coordinate various court proceedings in which a family may be involved. In Ada County, Senior Judge Lowell Castleton is presiding over a new court, called a family violence court, to bring families with children, where domestic violence is involved, before a judge who is familiar with family violence issues and the services which can be provided to the family. This effort involved a broad coalition of representatives from Boise, Ada County, the state and volunteers. Judge Castleton handles every domestic violence case filed in Ada County after the initial hearing is held, and is now handling the divorce and custody cases related to those petitions as well. Last week, he also began hearing the related criminal cases. While this court is still very new, the judge, prosecutors, defense attorneys and staff are enthusiastic about their ability to protect children and other victims from further violence.

Also as a result of your legislative policy and appropriation to increase access to the courts, most of the counties are now served by a Court Assistance officer who can answer questions and make referrals for those people coming into the court system not represented by an attorney. In some counties now, up to one-half of the divorce and custody cases are being filed by litigants without an attorney, and an even higher percentage of those responding to the cases are not represented. Last year, over 23,000 people were served by these Offices statewide, and at a time when people are losing jobs and facing mounting fiscal and emotional burdens, we are very pleased with the response to the Court Assistance offices and hope to maintain these critical services.

Significant progress has also been made in efficiently handling an increasing number of court cases through the use of senior judges. Over the last five years, we've seen a 60% increase in the number of felony drug cases filed and a 30% increase in civil case filings, and yet, during that same time period, no new judicial positions have been added. This would not have been possible without the extensive use of retired senior judges. Suffice it to say, the judicial system in Idaho is innovative and continues to seek out efficient and cost-effective ways to resolve cases fairly and efficiently and serve our citizens.

There is no question that these are challenging times. While every citizen and business in Idaho face tough decisions about surviving in a difficult economy, a part of our society faces tough decisions on simply how to survive the day. Wonderful advances in technology, which make it easier to work, play and stay in touch, leave behind many in society who remain out of touch. It is our responsibility as creative, intelligent and capable people to find answers and make the tough decisions necessary to see us through these challenging times.

I do not envy your work in the coming months. As never before you will be pulled in many directions and asked to do the impossible. These are not problems you can solve alone, but in partnership with the other two branches of government, working well together as we have in the past, I know we can all achieve a better future. I thank you for inviting me to address this joint session, for your time and attention, and particularly for the energy and enthusiasm you bring to the issues we face. On behalf of all the judges in Idaho, I look forward to working with you for the good of Idaho citizens.

The Speaker thanked Chief Justice Trout for her remarks.

The committees came forward and escorted the Governor, the Supreme Court Justices, Appellate Court Judges, and the elected officials to their chambers and offices respectively, and were, on their return, thanked and discharged by the Speaker.

On motion by Representative Moyle, seconded by Representative Boe, the Joint Session was dissolved.

The appointed committee came forward and escorted the Senators from the House Chamber.

The members of the Senate returned to the Senate Chamber.

On request by Senator Davis, granted by unanimous consent, the State of the Judiciary Address was ordered spread upon the pages of the Senate Journal.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote the Senate adjourned at 8:15 p.m. until the hour of 10:30 a.m., Wednesday, January 8, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary